

REMARKS

Claims 1-43 are pending in the application. No claims have been amended. Applicants respectfully request reconsideration of the outstanding rejections in view of the following remarks.

35. U.S.C. §103(a)

Claims 1-43 have been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,630,049 to Cardoza et al. (Cardoza) in view of U.S. Patent No. 5,765,138 to Aycock et al. (Aycock). The Applicants traverse the rejections of claims 1-43 for the following reasons.

For an obviousness rejection to be proper, the Examiner must meet the burden of establishing a *prima facie* case of obviousness. *In re Fine*, U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988). The Examiner must meet the burden of establishing that all elements of the invention are disclosed in the prior art; that the prior art relied upon, coupled with knowledge generally available in the art at the time of the invention, must contain some suggestion or incentive that would have motivated the skilled artisan to modify a reference or combined references; and that the proposed modification of the prior art must have had a reasonable expectation of success, determined from the vantage point of the skilled artisan at the time the invention was made. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988); *In re Wilson*, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970); *Amgen v. Chugai Pharmaceuticals Co.*, 927 U.S.P.Q.2d, 1016, 1023 (Fed. Cir. 1996).

Applicants' claims 1 and 23 recite "receiving at a host system a request by a user system to execute supplier qualification and quality management software, wherein said software comprises a selection module, a qualification module, and a quality module." Cardoza discloses a system for remote testing and debugging of software (col. 2, lines 42-67). Unlike the debugging software in Cardoza, and the evaluation software in Aycock, the software of the Applicants invention comprises three independent modules: a selection module, a qualification module, and a quality module (Applicants' claims 1 and 23) that

YOR920000559US1/127-0004
09/752,090

provide electronic supplier qualification and quality management functions. Neither Cardoza nor Aycock disclose these features.

While Cardoza may be executing software for debugging, what is not taught or suggested is Applicants' claimed software directed to "supplier qualification." Cardoza further fails to teach or suggest the use of software for "quality management." What Cardoza teaches is a system for accessing a host system for the clear purpose of debugging (col. 15, line 64-col. 7, line 9). Cardoza further teaches a host system 10 being controlled by a user 20 (col. 4, lines 1-12). If the Examiner is reading Cardoza as having a host system 10, then Cardoza fails to teach or suggest Applicants' claimed "user system being connected to said communication network", as required in Applicants' claims 1 and 23. Cardoza still then fails to teach or suggest a host system being connected to a workstation via a computer network as required by Applicants' claim 22.

Aycock teaches a system for evaluating potential vendors. Aycock does not teach or suggest performing technology qualification, selecting suppliers using a development toolkit, performing part qualification, process change management activities including accessing supplier initiated proposed changes to a qualified part, and logging problems detected. Moreover, Aycock fails to solve the deficiencies of Cardoza, namely, a failure to teach or suggest software directed to supplier qualification and the use of software for quality management. While Aycock may in fact disclose some aspects of software for evaluating vendors, any use of the software teachings of Aycock, in attempt to make Applicants' claims obvious, would destroy the teachings and function of the Cardoza patent. If by some experiment, one were able to modify Cardoza in view of Aycock, the resulting combination would be Cardoza having software to control the debugging of vendor systems. Thus, Applicants respectfully contend that neither Cardoza nor Aycock, alone or in combination, teach or disclose each element of Applicants' claims 1 and 23 as discussed above. The Applicants submit that claims 1 and 23 are in condition for allowance and respectfully request reconsideration of the outstanding rejections. Applicants claims 2-22 are dependent on what should now be an allowable claim 1. Applicants' claims 24-43 are dependent upon what should now be an allowable claim 23.

YOI:9200005591JS1/127-0004
09/752.090

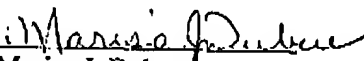
For at least these reasons, it is respectfully requested that the rejection of claims 2-22 and 24-43 be withdrawn.

In view of the foregoing, it is respectfully submitted that the instant application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance issued. If the Examiner believes that a telephone conference with Applicant's attorneys would be advantageous to the disposition of this case, the Examiner is cordially requested to telephone the undersigned.

In the event the Commissioner of Patents and Trademarks deems additional fees to be due in connection with this application, Applicants' attorney hereby authorizes that such fee be charged to Deposit Account No. 50-0510.

Respectfully submitted,

CANTOR COLBURN LLP

By: 
Marisa J. Dubuc
Registration No. 46,673
CANTOR COLBURN LLP
55 Griffin Road South
Bloomfield, CT 06002
Telephone (860) 286-2929
Facsimile (860) 286-0115
Customer No. 23413

Date: April 8, 2004

YOR920000559US1/127-0004
09/752,090